



09-26-04

#121629

Attorney's Docket No.: 2982.P008 Patent

In re the Application of: DAVID BERRY, ET AL.
(inventor(s))

Application No.: 10/058,152

Filed: January 25, 2002

For: SINGLE APPLLET TO COMMUNICATE WITH MULTIPLE HTML ELEMENTS CONTAINED INSIDE OF
MULTIPLE CATEGORIES ON A PAGE

(title)

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

SIR: Transmitted herewith is:

1. Petition to Make Special for the above application; and
2. \$130.00 Petition Fee


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JAN 13 2003
Technology Center 2100

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 09/26/02

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 947-8200


Andre L. Marais

Reg. No. 48,095

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GROUP 3600



Attorney's Docket No.: 2982.P008

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of:

DAVID BERRY, ET AL.

Application No.: 10/058,152

Filing Date: January 25, 2002

For: SINGLE APPLET TO COMMUNICATE
WITH MULTIPLE HTML ELEMENTS
CONTAINED INSIDE OF MULTIPLE
CATEGORIES ON A PAGE

Examiner: Not yet assigned

Art Group: 2162

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

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JAN 13 2003

Technology Center 2100

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SEP 30 2002

GROUP 3600

PETITION TO MAKE SPECIAL

(A) FEE

Applicants hereby enclose a check in the amount of \$ 130.00 for the petition fee required by 37 C.F.R. § 1.17(i). Furthermore, the Commissioner is hereby authorized to charge payment of any fee due under 37 C.F.R. § 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 02-2666.

(B) CLAIMS

All claims in this application are directed to a single invention.

If the Office determines that all the claims presented are not obviously directed to a single invention, Applicants will make an election without traverse as a prerequisite to the grant of special status.

"Express Mail" mailing label number: EL151113596US

Date of Deposit: September 24, 2002

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents and Trademarks, Washington, D. C. 20231

Patricia M. Richard

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

(Date signed)

(C) SEARCH

A search was made by:

- ☐ the inventor
- ☐ attorney or agent
- ☐ professional searcher
- ☐ foreign patent office
- ☒ USPTO as ISA for PCT/US98/16365

The field of search included:

- ☒ classes/subclasses: 709/217, 221, 245; 707/102
- ☐ publications
- ☐ foreign patents

(D) COPIES OF REFERENCES

Attached are three documents deemed by the USPTO, as ISA, to be of particular relevance. These documents include Rothschild et al., U.S. Patent 6,226,686 (hereinafter Rothschild); Robinson, U.S. Patent 5,842,218 (hereinafter Robinson); and, Aggarwal et al., U.S. Patent 6,260,148 (hereinafter Aggarwal). The International Search Report (ISR), issued by the ISA, has classified the above documents as relevant to a showing that the claimed invention cannot be considered to involve an inventive step when the documents are combined, such combination being obvious to a person skilled in the art. Also attached is Form PTO 1449.

(E) DETAILED DISCUSSION OF THE REFERENCES

The references identified in the International Search Report (ISR) fail to establish a prima facie case of obviousness because the references, individually or in combination, neither teach nor suggest all the claim elements and limitations required by the patent application. Moreover, there is no motivation or suggestion in these references for their combination; and even assuming there were such motivation or suggestion, no combination of these references teaches or suggests the invention as claimed. Therefore, Applicants believe all pending claims are allowable over these references.

A description of the invention is presented and followed by a detailed discussion of each of the documents as cited by the ISR with a discussion regarding how the claimed subject matter is patentable over the documents in combination.

Patent Application

A discussion of claim 1 follows. The other independent claims are distinguishable over the prior art for reasons similar to these set out below.

Claim 1 requires:

A method to facilitate the update of a plurality of user interface categories utilizing a single client application program, the method including:

at a first computer system,

generating a user interface data message wherein the user interface data message includes the plurality of user interface categories and the single client application program, wherein the single client application program executes at a second computer system, wherein each user interface category includes a user interface element;

communicating the user interface data message from the first computer system to the second computer system;

receiving a user interface update message, at the first computer system, wherein the user interface update message includes an update to the plurality of user interface categories; and

communicating the user interface update message from the first computer system to the second computer system to enable the single client application program, at the second computer system, to update the plurality of user interface categories

Rothschild

Rothschild describes a method for deploying interactive applications (i.e., interactive games) over a network containing host computers and group messaging servers. The method consists of the group server receiving a message from a host containing a destination group address. Using the destination group address, the group messaging server then selects a message group which lists all of the host members of the group which are the targets of messages to the group. The group messaging server then forwards the message to each of the target hosts. In an interactive application, many messages will be arriving at the group server close to one another in time. Rather than simply forward each message to its targeted hosts, the group messaging server aggregates the contents of each of messages received during a specified time period and then sends an aggregated message to the targeted hosts. The time period can be defined in a number of ways. This method reduces the message traffic between hosts in a networked interactive application and contributes to reducing the latency in the communications between the hosts (Abstract).

Claim 1 requires a single client application program to update a plurality of user interface categories. It limits the number of client application programs that may update the user interface elements contained within respective user interface categories; specifically a single client application program is required. In contrast, Rothschild does not describe limiting the number of client application programs to update a target host; rather, Rothschild describes limiting the number of messages sent to a target host and does so by aggregating multiple messages into a single message at a group-messaging server for a specified period of time. Clearly, Rothschild is concerned with limiting messages whereas claim 1 requires limiting the client application program that processes messages.

Further, Claim 1 requires a method that communicates the single client application program from the first computer system to the second computer system. Indeed, the single client application program is included in a user interface data message along with user interface categories and user interface elements. In contrast, Rothschild does not describe communicating client application programs. Rothschild describes communicating messages that contain "information that other hosts need to in order to keep the interactive application operating consistently." Col. 8, lines 31-33.

For at least the above reasons, claims 1-35 of the present application should be allowed over Rothschild in combination with Robinson and Aggarwal.

Robinson

Robinson describes a computer program product for viewing a quantity of data records in an organized fashion. A control interface is used to select the hierarchy of categorization levels for a categorization table utilized to present data records. Once the user selects the desired hierarchy, the categorization table will reorient itself into the chosen categorization level hierarchy and the records will display in their appropriate locations.

The invention is implemented in a database browser. The database browser queries the database for potential records according to both the desired categorization level hierarchy and constraints on categorization level values (Col. 5, lines 30-31; Figure 11, process box 148). In effect, this filters the records so that a selection categorization table (capable of reorientation) is created with a manageable number of relevant data records.

Claim 1 requires a single client application program to update a plurality of user interface categories. It limits the number of client application programs that may update the user interface elements contained within respective user interface categories; specifically a single client application program is required. In contrast, Robinson does not describe a single client application program that updates categories; rather, Robinson describes a computer program product without describing software methods or client application programs utilized by the product to update user interface elements contained inside the respective categories. For example, Robinson discloses that the invention works within a database browser but does not disclose the client application program[s] that is/are utilized by the browser to display the categories of queried records (see Figure 11, process box 148; Col. 12, lines 25-34). Also, Robinson describes software objects; however, does not disclose the method[s] associated with the software objects (See Figure 4). Clearly Robinson cannot be said to disclose a single client application program that updates a plurality of user interface categories, as required by claim 1, because Robinson does not describe methods or application programs but rather describes a computer program product embodied as a collection of objects.

Further, Claim 1 requires communicating the single client application program from the first computer system to the second computer system. Indeed, claim 1 requires the single client application program to be included in a user interface data message along with user interface categories and user interface elements. In contrast, Robinson does not describe communication between multiple computers; much less the communication of client application programs

between computers; rather Robinson describes a method for reorienting categories and the database records contained within those categories that is embodied on a single computer.

For at least this reason, claims 1-35 of the present application should be allowed over Robinson in combination with Rothschild and Aggarwal.

Aggarwal

Aggarwal in combination with Robinson and Rothschild allegedly anticipates dependent claims 4-6. As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 4-6 is also addressed by the above remarks.


In view of the above remarks, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the application, the Examiner is invited to call the undersigned attorney at (408) 947-8200 ext. 204.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 09/24/ 2002

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 947-8200



André L. Marais
Reg. No. 48,095

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
MICHAEL J. MALLIE
BLAKELY, SOKOLOFF, TAYLOR & ZAFFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

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JUL 10 2002

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 2982.P008PCT	Date of Mailing (day/month/year) 03 JUL 2002 FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US02/02313	International filing date (day/month/year) 25 January 2002 (25.01.2002)
Applicant TIBCO SOFTWARE, INC.	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest: the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 *bis*.1 and 90 *bis*.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Commissioner for Patents Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer Bunjob Jaroenchoowong <i>James R. Matthews</i> Telephone No. 703-305-3900
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NOTES TO FORM PCT/ISA/220 (continued)

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

The statement should be brief, it should not exceed 500 words if in English or if translated into English.

It should not be confounded with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It should not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report, may be made only in connection with an amendment of that claim.

In what language ?

The amendments must be made in the language in which the international application is published. The letter and any statement accompanying the amendments must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

Consequence if a demand for international preliminary examination has already been filed ?

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase ?

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
MICHAEL J. MALLIE
BLAKELY, SOKOLOFF, TAYLOR & ZAFFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 2982.P008PCT	Date of Mailing (day/month/year) 03 JUL 2002
International application No. PCT/US02/02313	International filing date (day/month/year) 25 January 2002 (25.01.2002)
Applicant TIBCO SOFTWARE, INC.	

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Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
1211 Geneva 20, Switzerland. Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest: the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 *bis*.1 and 90 *bis*.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
Commissioner for Patents
Box PCT
Washington, D.C. 20231
Facsimile No. (703)305-3230

Authorized officer

Bunjob Jaroenchoovanont
James R. Matthews
Telephone No. 703-305-3900

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 2982.P008PCT	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US02/02313	International filing date (<i>day/month/year</i>) 25 January 2002 (25.01.2002)	(Earliest) Priority Date (<i>day/month/year</i>) NONE
Applicant TIBCO SOFTWARE, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/02313

Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8.1(d)).

NEW ABSTRACT

A method and a system for communicating with multiple user interface elements(32, 34, 36) contained in multiple categories on a web page with a single client application program(82) at the client computer (42). Messages are communicated both to and from users interface elements through callback function scripts that communicate through a single client application program that is connected over a point-to-point connection (76) to an agent process (86) on a server.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/02313

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G06F 15/177

US CL : 709/221

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 709/217, 221, 245; 707/102

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
DERWENT, IBM_TDB, INSPECT, COMPSCI

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 6,226,686 B1 (ROTHSCHILD ET AL) 01 May 2001 (01.05.2001), column 9, line 31-column 10, line 23.	1-35
Y	US 5,842,218 A (ROBINSON) 24 November 1998 (24.11.1998), figures 5, 6, 12, column 8, line 46-column 9, line 63.	1-35
Y	US 6,260,148 B1 (AGGARWAL et al) 10 July 2001 (10.07.2001), column 4, lines 36-55; column 9, line 52-column 10, line 4; column 14, lines 15-30.	4-6
A	US 6,233,608 B1 (LAURSEN et al) 15 May 2001 (15.05.2001), whole patent.	1-35
A	US 2001/0034771 A1 (HUTSCH et al) 25 October 2001 (25.10.2001), whole patent	1-35



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:		-T-	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
-A-	document defining the general state of the art which is not considered to be of particular relevance	-X-	document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
-E-	earlier application or patent published on or after the international filing date	-Y-	document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
-L-	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	-&-	document member of the same patent family
-O-	document referring to an oral disclosure, use, exhibition or other means		
-P-	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

05 June 2002 (05.06.2002)

Date of mailing of the international search report

03 JUL 2002

Name and mailing address of the ISA/US

Commissioner of Patents and Trademarks
Box PCT
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Authorized officer

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